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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,639	10/15/2003	David Alexander Bisset	871-011433-US / 30020678	4970
2512	7590	04/19/2005	EXAMINER BUI, BRYAN	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A/C

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/685,639	BISSET, DAVID ALEXANDER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bryan Bui	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 15 October 2003.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2 and 8-10 is/are rejected.

7) Claim(s) 3-7 and 11-15 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \*    c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date Oct/03.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardin (US Patent No. 5631920).

With respect to claim 1, Hardin teaches a spread spectrum clocking of digital signals for generating wander noise according to a predefined frequency profile (abstract), comprising selecting one of a plurality of predefined frequency profiles (figure 4, column 5, lines 12-16); providing predetermined frequency, amplitude and phase values for each of a plurality of tones for the selected predefined frequency profile (figures 2, 4, column 3, lines 1-19); generating a digital noise signal based on the sum of the plurality of tones and generating a wander noise signal from the digital noise signal (column 2, lines 11-22, specified digital implement with accumulator).

With respect to claims 2 and 8, further comprising the step of adding a centre (center/fundamental) frequency signal to the digital noise signal before the wander noise signal is generated (column 7, lines 22-27); wherein the predetermined frequency, amplitude and phase values are associated with the corresponding predefined frequency profile and stored in a memory (figure 6, block 36).

With respect to claim 9, Hardin teaches apparatus for generating wander noise according to a predefined frequency profile (Abstract), comprising: a memory for storing predetermined frequency, amplitude and phase values for each of a plurality of tones for each of a plurality of predefined frequency profiles (figure 6, block 36, column 5, lines 11+, column 7, lines 16-21); a digital signal processor coupled to the memory for obtaining the predetermined frequency, amplitude and phase values for the plurality of tones for a selected one of the plurality of predefined profiles and for generating a digital noise signal based on a sum of the plurality of tones (figures 1, 6, 7); and a synthesizer (column 6, lines 24-27, column 8, lines 63-67) coupled to the digital signal processor for receiving the digital noise signal and for generating a wander noise signal from the digital noise signal.

With respect to claim 10, wherein the digital signal processor further includes means (spread spectrum clock generator) for adding a centre (fundamental/center) frequency signal to the digital noise signal (column 7, lines 22-27).

#### ***Allowable Subject Matter***

3. Claims 3-7, and 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRYAN BUI  
PRIMARY EXAMINER

BB

4/13/2005

